

**RECEIVED
CENTRAL FAX CENTER****DEC 06 2006****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David KIRN

Steve H. THORNE

Serial No.: 10/524,932

Filed: February 14, 2005

For: METHODS AND COMPOSITIONS
CONCERNING POXVIRUSES AND
CANCER

Group Art Unit: 1648

Examiner: Unknown

Atty. Dkt. No.: KIRN:002US

**CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8**I certify that this correspondence is being transmitted to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, facsimile number (571) 273-8300 on the date
below.December 6, 2006
Date

Steven L. Highlander

REQUEST FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. §1.48(a)Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby request correction of inventorship under 37 C.F.R. §1.48(a) in the instant case. Pursuant to 37 C.F.R. §1.48(a)(1), the requested change comprises the addition of Steve H Thorne as an inventor. The following items are being submitted herewith pursuant to 37 C.F.R. §1.48(a)(2-4):

- (1) Statement by Steve H Thorne pursuant to 37 C.F.R. §1.48(a)(2);
- (2) Declaration by the actual inventors submitted pursuant to 37 C.F.R. §1.48(a)(3);
- (3) Deposit account payment of \$130.00 to cover the processing fee under 37 C.F.R. §1.17(i); and

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- (4) Permission of Assignee to Correct Inventorship submitted pursuant to 37 C.F.R. §1.48(a)(5).

In view of the above, correction of the inventorship in the case is respectfully requested. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/KIRN:002US.

Respectfully submitted,

For

Steven L. Highland
Gina N. Shishima

Reg. No. 45,104

Attorney for Applicants

FULBRIGHT & JAWORSKI, L.L.P.
600 Congress Ave., Ste. 1900
Austin, Texas 78701
(512)474-5201

Date: December 6, 2006

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
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AUSTIN, TEXAS 78701-3271
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DEC 06 2006

FACSIMILE TRANSMISSION**DATE:** December 6, 2006**MATTER NUMBER:**

10307733/KIRN:002US

RECIPIENT:	FAX NO.:	PHONE NO.:
Commissioner for Patents U.S. Patent Office	571/273-8300	571/272-8800

FROM: Collin Evans**USER ID:** CE13368 **FLOOR:** 20**PHONE:** (512) 536-5644**FAX:** (512) 536-4598

RE: CUSTOMER NO. 32425, REQUEST FOR CORRECTION OF INVENTORSHIP;
PERMISSION OF ASSIGNEE TO CORRECT INVENTORSHIP; STATEMENT OF
STEVE H. THORNE UNDER 37 CFR 1.48(a); DECLARATION; COPY OF
ASSIGNMENT; PROCESSING FEE TRANSMITTAL FORM

NUMBER OF PAGES WITH COVER PAGE: 10 **Originals Will Not Follow****Message:**

Please enter in the following matter:

U.S. Patent Application No. 10/524,932, entitled "*METHODS AND COMPOSITIONS CONCERNING POXVIRUSES AND CANCER*", by David KIRN and Steve H. THORNE

Thank you for your attention to this matter.

CAUTION - CONFIDENTIAL

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
COLLIN EVANS @ 512/536-5644 AS SOON AS POSSIBLE.**

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CENTRAL FAX CENTER**DEC 06 2006****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:
David Kim
Steve H Thorne

Serial No.: 10/524,932

Filed: February 14, 2005

For: METHODS AND COMPOSITIONS
CONCERNING POXVIRUSES AND
CANCER

Group Art Unit: 1648

Examiner: Unknown

Atty. Dkt. No.: KIRN:002US

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, facsimile number (571) 273-8300 on the date
below:

December 6, 2006

Date

Steven L. Highlander

PERMISSION OF ASSIGNEE TO CORRECT INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The undersigned hereby grants permission on behalf of the Assignee to correct the inventorship in the case by adding Steve H Thorne as an inventor. Jennerex Biotherapeutics ULC is the Assignee of the instant case (copy of Assignment enclosed).

Date: Sept. 18, 2006By: D. Kim

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Kirm

Steve H Thorne

Serial No.: 10/524,932

Filed: February 14, 2005

For: METHODS AND COMPOSITIONS
CONCERNING POXVIRUSES AND
CANCER

Group Art Unit: 1648

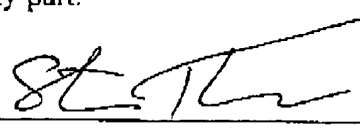
Examiner: Unknown

Atty. Dkt. No.: KIRN:002US

CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. § 1.8I certify that this correspondence is being transmitted to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450, facsimile number (571) 273-8300 on the date
below:December 6, 2006
Date
Steven L. HighlanderSTATEMENT OF STEVE H. THORNE UNDER 37 C.F.R. §1.48(a)

I, Steve H Thorne, hereby state the following:

1. I was not originally named as an inventor of the above-referenced patent application.
2. The failure to originally name me as an inventor occurred without deceptive intent on my part.


Steve H. ThorneMAY 15th 2006
Date

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**PATENT
KIRN:002US**

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS AND COMPOSITIONS CONCERNING POXVIRUSES AND CANCER**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **February 14, 2005** as Application Serial No. **10/524,932**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
PCT/US2003/025141	WIPO	August 11, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No
60/402,857	USA	August 12, 2002	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

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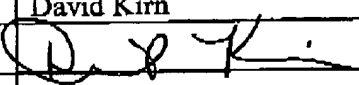
disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: None.


(Application Serial No.)	(Filing Date)	(Status)
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(Application Serial No.)	(Filing Date)	(Status)
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I hereby direct that all correspondence and telephone calls be addressed to Gina N. Shishima, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	David Kirn	
Inventor's Signature:		Date: May 15, 2006
Country of Citizenship:	USA	
Residence Address: (street, number, city, state, and/or country)	444 La Verne Ave. Mill Valley, CA 94941	
Post Office Address: (if different from above)		

Inventor's Full Name:	Steve H. Thorne	
Inventor's Signature:		Date: MAY 15 2006
Country of Citizenship:	United Kingdom	
Residence Address: (street, number, city, state, and/or country)	257 Webster Street, Palo Alto, CA 94301	
Post Office Address: (if different from above)		

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PATENT
FILE NO. KIRN:002US

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to Jennerex Biotherapeutics ULC (the "Assignee"), having a place of business at One Market Street, Spear Tower Suite 2260, San Francisco, CA 94105, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 10/524,932 which has been filed on February 14, 2005 and is entitled "METHODS AND COMPOSITIONS CONCERNING POXVIRUSES AND CANCER," which claims priority to PCT/US2003/025141 filed on August 11, 2003 which claims priority to U.S. Provisional Application No. 60/402,857 filed August 12, 2002, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

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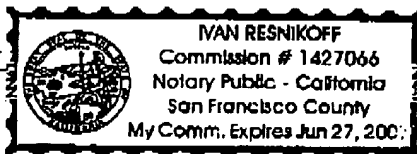
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Jennerex Biotherapeutics, Inc.

Signature: David KirnDate: Sept 18, 2006Name: David Kirn
Title: CEOSTATE OF California
COUNTY OF San Francisco

BEFORE ME, the undersigned authority, on this 18th day of September, 2006, ^{proven} personally appeared David Kirn, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/~~she~~ executed the same of his/~~her~~ own free will for the purposes and consideration therein expressed.

[SEAL]

Ivan Resnikoff
Notary or Consular Officer

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

DEC 06 2006

PTO/SB/171 (09-08)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE

Under 37 CFR 1.17(i)

TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/524,932
Filing Date	February 14, 2005
First Named Inventor	David KIRN
Art Unit	1648
Examiner Name	Unknown
Attorney Docket Number	KIRN:002US

Enclosed is a paper filed under 37 CFR 1.48(a) that requires a processing fee (37 CFR 1.17(i)).
Payment of \$_____ is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1212:
☒ processing fee under 37 CFR 1.17(i) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$_____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods.
- § 1.98(e) - for processing a belated submission under § 1.89.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assigned, assignment submitted after payment of the issue fee.


Signature

Steven L. Highlander reg. no. 37,642 for Gina N. Shishima

Typed or printed name

December 6, 2006

Date

45,104

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.